

REMARKS

The Examiner proposes the following two Groups of inventions:

Group I Claims 2, 3, 5, 8 (in part), 9 (in part), 10 (in part), 14 (in part), 18 (in part) and 19: relating to a method for determining if an offspring is at risk for developing a tumor suppressor gene disease; and

Group II Claims 4, 8 (in part), 10 (in part) and 14 (in part): relating to a method for identifying the allele that is lost in a tumor.

According to the Examiner, the inventions in the proposed Groups are distinct.

The Examiner appears to contend that the methods are distinct because the method of proposed Group II is useful without consideration of offspring. The Action state that restriction of the application to one of the two inventions is required. Applicant traverses.

Applicant believes that even if the Examiner is correct in asserting that the claims in Groups I and II are directed to distinct inventions examination of both proposed groups of claims in this application will not pose a serious search burden for the Examiner. Applicant requests, thus, examination of Groups I and II.

Pursuant to 37 C.F.R. § 1.143, however, applicant provisionally elects with traverse the claims of Group I for initial substantive examination.

This election is made expressly without waiver of applicant's rights to continue to prosecute and to obtain claims to the non-elected and/or canceled subject matter either in this application or in other applications claiming priority herefrom.

Application No. 10/692,537

Reply to January 4, 2006 Restriction/Election Requirement

Reply Dated June 5, 2006

In view of the above, applicant requests that the Examiner examine the pending claims in this application. Applicant requests favorable consideration and early allowance of the pending claims.

Respectfully submitted,

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